

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-27 and 37-47 were pending. Claims 1, 13-23, 27, and 37-47 have been rejected by the Examiner. Claims 2-12 and 24-26 have been objected to by the Examiner. Claims 1, 19, and 42-43 have been canceled without prejudice to further prosecution on the merits. Claims 2-7, 13-15, 17-18, 20-22, 24, 26-27, 37-41, and 44-46 have been amended. No new matter has been added. Accordingly, after amending the claims as set forth above, Claims 2-18, 20-27, 37-41, and 44-47 will be pending in the present application.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Allowable Subject Matter and Comment on Statement of Reasons for Allowance

On page 8 of the Office Action, the Examiner objected to Claims 2-11 and 24-26 as being dependent upon a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2 and 24 have been amended in accordance with the suggestion of the Examiner. Accordingly, Applicants submit that such claims are allowable. Applicants also submit that Claims 3-18 are allowable by virtue of their dependency on Claim 2 and that Claims 20-23 and 25-27 are allowable by virtue of their dependency on Claim 24.

The Examiner provided the following statement:

The prior art of record neither teaches nor reasonably suggests the additional limitation that the radiation attenuation material is flexible, as required by the combination as claimed in each of claims 2 and 24. The shield of Thompson is rigid and has to be rigid in order to maintain its vertical shape.

While the Applicants agree that allowed Claims 2-11 and 24-26 recite a combination of subject matter that is patentable over the cited references, the Applicants do not necessarily agree with or acquiesce in the statement of reasons for allowance given by the Examiner. Moreover, the Applicants note that the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons than those given by the Examiner. The Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance with the present Application or in any other future proceeding.

Claim Objections

On page 2 of the Office Action, the Examiner objected to Claims 1, 3-6, 17-22, 41 and 43-46 and stated that “each claim recites, at least once, a limitation that begins with ‘configured to,’ which causes confusion since the above claims do not define how the apparatus is configured to the intended purpose.”

Applicants have amended independent Claims 2, 24, and 41 for clarity by removing the “configured to” language objected to by the Examiner which allegedly created confusion. Applicants have also amended Claims 3-6, 17-22, 27, and 44-46 for clarity in a manner Applicants believe alleviates any confusion that may or may not have existed.

Accordingly, Applicants respectfully request withdrawal of the objection and allowance of Claims 2-6, 17-22, 41, 43-46.

Claim Rejections – 35 U.S.C. § 102

On page 2 of the Office Action, the Examiner rejected Claims 1, 14-23, 27 and 37-40 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,808,308 issued to Thompson (“Thompson”).

1. Claims 1, 14-23 and 27

Claims 1 has been canceled without prejudice. As described above, independent Claims 2 and 24 have been amended in accordance with the suggestion of the Examiner.

Accordingly, Applicants submit that such claims are allowable. Applicants also submit that Claims 14-18 are allowable by virtue of their dependency on Claim 2 and that Claims 20-23 and 27 are allowable by virtue of their dependency on Claim 24.

Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of Claims 14-20 as they depend from independent Claim 2 (as amended) and Claim 21-23 and 27 as they depend from independent Claim 24 (as amended). See 35 U.S.C. § 112 ¶ 4.

2. Claims 37-40

Claim 37 is in independent form. Independent Claim 37 (as amended) now recites a “method of attenuating radiation” comprising, in combination with other steps, “detachably coupling a flexible radiation attenuation material to the Computed Tomography machine” (emphasis added).

A “method of attenuating radiation” in which includes the step of “detachably coupling a flexible radiation attenuation material to the Computed Tomography machine” as required by independent Claim 37 (as amended) is not disclosed, taught or suggested by Thompson.

Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of independent Claim 37 (as amended) and dependent Claims 38-40 as they depend from independent Claim 37. See 35 U.S.C. § 112 ¶ 4.

Claim Rejections – 35 U.S.C. § 103(a)

On pages 5-7 of the Office Action, the Examiner rejected Claims 13 and 41-47 under 35 U.S.C. § 103(a) as unpatentable over Thompson in view of U.S. Patent No. 6,740,260 issued to McCord (“McCord”), Claims 41 and 42 as unpatentable over U.S. Patent No. 4,977,585 issued to Boyd (“Boyd”) in view of McCord.

1. Claim 13

Dependent Claim 13 depends from independent Claim 2 (as amended). As previously described, Applicants have amended Claim 2 in accordance with the suggestion of the Examiner. Neither Thompson nor McCord, alone or in any proper combination, disclose, suggest or teach the combination of subject matter recited in Claim 2 (as amended).

Accordingly, Applicants submit that the rejections under 35 U.S.C. § 103(a) as to Claim 13 has been overcome and dependent Claim 13 as it depends from independent Claim 2 (as amended) is now allowable. See 35 U.S.C. § 112 ¶ 4. Applicants respectfully request reconsideration and allowance of dependent Claim 13.

2. Claims 41-47

Claim 41 is in independent form. Independent Claim 41 (as amended) now recites a “system for the attenuation of radiation” comprising, in combination with other elements, a “flexible means for reducing radiation exposure to a medical personnel during a Computed Tomography procedure” and “wherein the flexible means is selectively addable to and removable from the Computed Tomography machine by the medical personnel between Computed Tomography procedures” (emphasis added).

A “system for the attenuation of radiation” having a “flexible means for reducing radiation exposure to a medical personnel during a Computed Tomography procedure” . . . “wherein the flexible means is selectively addable to and removable from the Computed Tomography machine by the medical personnel between Computed Tomography procedures” as required by independent Claim 41 (as amended) is not disclosed, taught or suggested by Thompson or Boyd alone or in any proper combination with McCord.

Accordingly, Applicants submit that the rejections under 35 U.S.C. § 103(a) as to Claims 41-47 have been overcome and independent Claim 41 (as amended) and dependent Claims 44-47 which depend from Claim 41 are now allowable. Applicants respectfully request reconsideration and allowance of Claims 41-47.

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is now in condition for allowance. Applicants request consideration and allowance of all pending Claims 2-18, 20-27, 37-41, and 44-47.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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